

Employment of Children Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to make byelaws for regulating the employment of children.
2. Power to make byelaws for the regulation of street trading by person under sixteen.
3. General restrictions on employment of children.
4. General provisions as to byelaws.
5. Offences and penalties.
6. Definitions.
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B I L L

TO

Make better provision for regulating the Employment of A.D. 1903.
Children.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 **1.**—(1) The council of any county or borough may make byelaws—
- Power to make byelaws for regulating the employment of children.
- (i) prescribing for all children, or for boys and girls separately, and with respect to all occupations or to any specified occupation—
- 10 (a) the age below which employment is illegal; and
- (b) the hours between which employment is illegal; and
- (c) the number of daily or weekly hours beyond which employment is illegal:
- 15 (ii) prohibiting absolutely or permitting, subject to conditions, the employment of children in any specified occupation which may be shown to be dangerous to health or morals.
- (2) Byelaws made under this section shall not apply—
- 20 (a) to any child above twelve employed in pursuance of the Factory and Workshop Act, 1901, or the Metalliferous Mines Regulation Act, 1872, or the Coal Mines Regulation Act, 1887, so far as regards that employment; nor
- 1 Edw. 7.
c. 22,
35 & 36 Vict.
c. 77.
50 & 51 Vict.
c. 58.
- (b) to any child above twelve who, in pursuance of the Education Acts, 1870 to 1902, is wholly exempted from the obligation to attend school.

[Bill 77.]

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A.P. 1903.

Power to
make by-
laws for the
regulation
of street
trading by
person under
sixteen.

2. The council of any county or borough may make byelaws with respect to street trading by persons under the age of sixteen, and may by such byelaws—

- (a) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the byelaw, or subject to the holding of a licence to trade to be granted by the council;
- (b) regulate the conditions on which such licences may be granted, suspended, and revoked;
- (c) determine the days and hours during which, and the places at which, such street trading may be carried on;
- (d) require such street traders to wear badges;
- (e) regulate generally the conduct of such street traders:

Provided as follows:—

- (1) the grant of a licence or the right to trade shall not be made subject to any condition having reference to the poverty or general bad character of the person applying for a licence or claiming to trade; and
- (2) any person to whom a licence is refused by the council may appeal to a court of summary jurisdiction, who may grant or refuse the licence, and whose decision shall be final.

General
restrictions
on employ-
ment of
children.

3.—(1) A child shall not be employed in any occupation between the hours of nine in the evening and six in the morning: Provided that the council of any county or borough may, by byelaw, vary these hours either generally or for any specified occupation.

(2) A child under the age of eleven years shall not be employed in street trading.

(3) A child shall not be employed to lift, carry, or move anything so heavy as to be likely to cause injury to the child.

(4) A child shall not be employed in any occupation likely to be injurious to his life, limb, or health, regard being had to his physical condition.

(5) If the council of any county or borough send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, or health of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

General pro-
visions as to
byelaws.

4.—(1) A byelaw made under this Act by a council shall not have any effect until confirmed by the Secretary of State, and

shall not be so confirmed until at least fourteen days after the council have published it in such manner as the Secretary of State may by general or special order direct. A.D. 1903.

(2) The Secretary of State shall, before confirming any byelaw, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the council making the byelaw.

(4) Byelaws made under this Act may apply either to the whole of the county or borough, or to any specified part thereof.

(5) Byelaws made by a county council shall not be of any force or effect within any borough.

(6) Byelaws under the Prevention of Cruelty to Children Act, 1894, shall be made by the same authority and confirmed in the same way as byelaws under this Act. 57 & 58 Vict. c. 41.

5.—(1) If any person employs a child or other person under the age of sixteen in contravention of this Act, or of any byelaw under this Act, he shall be liable on summary conviction to a fine not exceeding *forty shillings*, or in case of a second or subsequent offence, not exceeding *five pounds*. Offences and penalties.

(2) If any parent or guardian of a child or other person under the age of sixteen causes or knowingly permits a child to be so employed he shall be liable to the like fine.

(3) If any person under the age of sixteen contravenes the provisions of any byelaw as to street trading, made under this Act, he shall be liable on summary conviction to a fine not exceeding *twenty shillings*, and in case of a second or subsequent offence, if a child, to be sent to an industrial school, and, if not a child, to a fine not exceeding *five pounds*.

6. In this Act—

The expression "child" means a person under the age of fourteen years;

The expression "guardian," used in reference to a child, includes any person having charge of or control over the child;

The expressions "employ" and "employment," used in reference to a child, include all work done by a child for wages or other consideration, whether paid or given to the child or to any other person;

Definitions.

A. D. 1898.

The expression "borough" means a municipal borough;
 The expression "street trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, plying for hire in carrying luggage or messages, shoe-blackening, and any other like occupation carried on in streets or public places.

Application
to Scotland.

7. In the application of this Act to Scotland—

- (1) The Education (Scotland) Acts, 1872 to 1893, the Education (Scotland) Act, 1897, and the Education (Scotland) Act, 1901, shall be substituted for the Education Acts, 1870 to 1902: 10
- (2) The Secretary for Scotland shall be substituted for the Secretary of State:
- (3) "The sheriff or sheriff-substitute" shall be substituted for "a court of summary jurisdiction": 15
- (4) The expression "borough" shall mean a royal, parliamentary, or police burgh having, according to the census last taken, a population of or exceeding seven thousand, and shall include the burgh of Coatbridge; and for the purposes of this Act every other burgh shall be held to form part of the county within which it is situated: Provided that in section eight of the Local Government (Scotland) Act, 1889, the expression "purposes herein-after mentioned" shall be deemed to include the purposes of this Act: 20 25
- (5) A byelaw shall not be made by a council under this Act until the expiry of a period of one month after such byelaw as proposed to be made has been communicated to the clerk to each school board of a parish, burgh, or district comprised or partly comprised within the area of such council for the purposes of this Act, and such council shall give due consideration to any observations received from any such school board within such period; and 30
- (6) Nothing in this Act shall make it lawful for any child to be employed in contravention of section six of the Education (Scotland) Act, 1878, or section two of the Education (Scotland) Act, 1901: 35
- (7) Section two hundred and seventy-six of the Burgh Police (Scotland) Act, 1892, is hereby repealed.

Application
to Ireland.

8. In the application of this Act to Ireland— 40

- (1) The Irish Education Acts, 1892 and 1893, shall be substituted for the Education Acts, 1870 to 1902, and

in the provision in which those Acts are referred to, a reference to the age of eleven shall be substituted for a reference to the age of twelve; and

A.D. 1903.
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- (2) The Lord Lieutenant shall be substituted for the Secretary of State.

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9. This Act shall come into operation on *the first day of January one thousand nine hundred and four.*

Commence-
ment of Act.

10. This Act may be cited as the Employment of Children Act, 1903.

Short title.